

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

California Water Service Company (U 60-W), for Authority to Increase Rates Charged for Water Service in the Antelope Valley District by \$437,218 or 36.94% in Fiscal Year 2006-2007; by \$145,000 or 8.94% in Fiscal Year 2007-2008; and by \$145,000 or 8.21% in Fiscal Year 2008-2009.

Application 05-08-006
(Filed August 8, 2005)

And Related Matters.

Application 05-08-007
Application 05-08-008
Application 05-08-009
Application 05-08-010
Application 05-08-011
Application 05-08-012
Application 05-08-013
(Filed August 8, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING DENYING
MOTION TO LATE FILE AND PETITION TO INTERVENE**

On December 15, 2005, Lucerne Community Water Organization (LCWO) filed a Notice of Intent to Claim Intervenor Compensation (NOI), including within it a motion seeking permission to file the NOI late. Under Pub. Util. Code Section 1804, NOIs must be filed and served on all parties within 30 days after the prehearing conference is held. Within 15 days after service of the NOI, the Administrative Law Judge may direct the staff, and may permit any other interested party, to file a statement responding to the notice. The Commission's Rules of Practice and Procedure, Rule 76.74, allow the Administrative Law Judge

to specify an appropriate procedure for accepting new or revised notices of intent in cases where parties cannot reasonably identify issues within the time set by statute, or where new issues emerge after the time set for filing.

The prehearing conference in this proceeding was held on September 9, 2005 and the Assigned Commissioner's Scoping Ruling filed September 26, 2005 defined the issues. LCWO acknowledges that its NOI was not timely filed. LCWO does not claim that the issues could not be identified by the time NOIs were due or that new issues have since emerged, nor does either appear to be the case. LCWO's motion will be denied.

On December 9, 2005, Lake Isabella – Bodfish Property Owners Association filed a petition to intervene in Application 05-08-010, California Water Service Company's general rate increase application for Kern River Valley District. If permitted to intervene, the Association proposes to:

- Present local knowledge and historical data;
- Emphasize cost saving measures that will allow water rates to be kept as low as possible;
- Ensure that local interests are served;
- Gather information that will allow local residents to be better informed and better able to comment fully on this proposed increase and future rate increases;
- Highlight relevant accounting issues; and
- Monitor the proceeding.

The schedule established in the Assigned Commissioner's Scoping Ruling calls for intervenors to serve any prepared direct testimony by December 19, 2005, and allows California Water Service three weeks, until January 9, 2006, to review that testimony and prepare and serve its rebuttal. If the Association were allowed to present an affirmative case without submitting prepared testimony,

or to submit prepared testimony after the date called for in the schedule, California Water Service, and perhaps the other parties, would be disadvantaged by a lack of time to review it and respond. The Association's Petition to Intervene does not explain why it could not have sought to enter the proceeding earlier and participated within the schedule. The Commission has already held two public participation hearings in Kern River Valley District, in Kernville and Lake Isabella, to hear from members of the affected public. To the extent representatives of the Association wish to testify at the evidentiary hearings, they may be permitted to do so without becoming parties.¹ The Association's Petition to Intervene will be denied.

IT IS RULED that:

1. Lucerne Community Water Organization's December 15, 2005 motion to permit a late-filed Notice of Intent to Claim Intervenor Compensation is denied.

¹ Pub. Util. Code § 454(c): "The commission shall permit individual public utility customers and subscribers affected by a proposed rate change, and organizations formed to represent their interests, to testify at any hearing on the proposed rate change, except that the presiding officer need not allow repetitive or irrelevant testimony and may conduct the hearing in an efficient manner."

2. Lake Isabella – Bodfish Property Owners Association’s (Association)
Petition to Intervene in Application 05-08-010, filed December 9, 2005, is denied.
The Association shall be placed on the service list in the Information Only
category.

Dated December 21, 2005, at San Francisco, California.

/s/ JAMES C. McVICAR

James C. McVicar
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Denying Motion to Late File and Petition to Intervene on all parties of record in this proceeding or their attorneys of record.

Dated December 21, 2005, at San Francisco, California.

/s/ ELVIRA T. NIZ

Elvira T. Niz

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.